

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RONALD GAYLES,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 09-11914

Hon. Gerald E. Rosen

Magistrate Judge Michael Hluchaniuk

**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on September 9, 2010

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

On June 8, 2010, Magistrate Judge Michael Hluchaniuk issued a Report and Recommendation ("R & R") recommending that the Court dismiss this case due to Plaintiff's failure to prosecute his claims. No objections have been filed to the R & R.

As observed in the R & R, the Magistrate Judge previously issued an order to show cause in which Plaintiff was expressly warned that his case could be dismissed if he did not provide a satisfactory explanation for his failure to comply with the Magistrate Judge's scheduling order or otherwise take any action to pursue his claims. In response, Plaintiff stated that he had been trying to find a lawyer to represent him, but he did not

explain why he had not attempted to make any filings on his own behalf, nor did he promise to do so in the near future. Rather, he indicated that he was instead devoting his efforts and attention to pursuing a new claim for benefits, and that he had secured counsel for that purpose. Under these circumstances, the Court concurs in the Magistrate Judge's recommendation that the present suit should be dismissed for lack of prosecution.

Accordingly,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's June 8, 2010 Report and Recommendation is ADOPTED as the opinion of this Court. IT IS FURTHER ORDERED that, for the reasons stated in the R & R, this case is dismissed under Fed. R. Civ. P. 41(b) for lack of prosecution. In light of this ruling, Defendant's December 23, 2009 motion for summary judgment (docket #19) is DENIED AS MOOT.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: September 9, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 9, 2010, by electronic mail and upon Ronald Gayles, 4805 Toledo, Detroit, Michigan 48209 by ordinary mail.

s/Ruth A. Gunther
Case Manager